

Application No. 10/599,671
Reply Dated May 13, 2009
Reply to the Office action of February 26, 2009

REMARKS

This paper is responsive to the Office Action dated February 26, 2009. Claims 1, 2, 3, 5, and 6 are amended. Claims 1 – 8, 12 – 13 and 15 – 22 are pending in the application.

Objection to Abstract

The Examiner objects to the abstract because the abstract, as filed, did not appear in a proper domestic form under MPEP §608.01(b). Applicant amends the abstract as presented on page two of this submission to provide a concise statement of the technical disclosure of the patent in compliance with MPEP §608.01(b). Applicant respectfully requests that the objection be withdrawn in view of the amended abstract presented herein.

Rejection of Claims 1 – 8, 12 – 13 and 15 – 22 Under §112, First Paragraph

Claims 1 – 8, 12 – 13 and 15 – 22 stand rejected under §112, first paragraph for lack of enablement. The Examiner contends that these claims contain subject matter which was not described in the specification in such a way to enable one skilled in the art to which it pertains to make and/or use the invention. Specifically, the Examiner contends that the terms "hydrocarbyl", "aryl" and "heteroaryl" are not limited to any number of carbon atoms and therefore encompass moieties of unlimited size.

While not acquiescing in the propriety of the rejection, the terms "hydrocarbyl", "aryl" and "heteroaryl" have been deleted from claims 1, 2, 3, 5, and 6. These term "aryl" has been replaced in claims 1 and 5 with a more detailed definition with support for the amendment found throughout the specification, including, but not limited to page 25, lines 7-8 of the published application (WO2005/097816). Applicants also amend claim 1 to replace the term "heterocycl" with the definition as set forth on page 25, lines 15-28 of the published application.

The Examiner also contends that the terminology "chemical substituent" in claim 6 encompasses all known chemical substituents. Again, while not acquiescing in the propriety of the rejection, the term "chemical substituent" is replaced in claim 6 with a more detailed definition. Support for the amendment is found throughout the specification including, but not limited to page 17, lines 11-14 of the published application.

Lastly, Applicants would like to note that current amendments to claim 1 were made with the assumption that the comma previously appearing in the definition of R4 at the point just before the phrase "or either R2 and R3 together" was removed with the previous amendment.

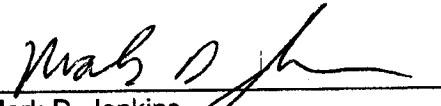
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CONCLUSION

In view of the foregoing, Applicants submits that the subject matter of the claims 1 – 8, 12 – 13 and 15 – 22 is patentable and that such claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested, along with the issuance of a Notice of Allowance.

Respectfully submitted,

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